

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

LYNDON PROPERTY INSURANCE COMPANY

PLAINTIFF

VERSUS

CIVIL ACTION NO.: 1:03-CV-00310-LG-RHW

DUKE LEVY & ASSOCIATES, P.A.

DEFENDANT

DECLARATION OF TECHNICAL DIFFICULTIES

Please take notice that the Defendant, Duke Levy & Associates, P.A., was unable to file all exhibits in support of its Motion for Summary Judgment due to technical difficulties. The deadline for filing the Motion for Summary Judgment was April 29, 2005. The reason that I was unable to file the exhibits in a timely manner and the good faith efforts I made prior to the filing deadline to both file in a timely manner and to inform the court and the other parties that I could not do so are set forth below.

After repeated efforts over a four hour time span, our office was unable to electronically file the exhibits to the Motion for Summary Judgment. The appropriate steps were followed to file the Motion for Summary Judgment and exhibits; however, upon repeated submissions we did not receive the usual and customary Notice of Electronic Filing. Therefore, the Motion for Summary Judgment and supporting Memorandum Brief were electronically filed without the exhibits. Due to the lateness of the hour, we were unable to contact opposing counsel and the Clerk of Court to notify them of the technical difficulty. Counsel will hand deliver the Exhibits to the Clerk's Office and opposing counsel on Monday, May 2, 2005.

I declare under penalty of perjury that the foregoing is true and correct.

RESPECTFULLY SUBMITTED, this the 29th day of April, 2005.

DUKE LEVY & ASSOCIATES, P.A.

BY: SAMSON & POWERS, PLLC

BY: s/ROLAND F. SAMSON, III
Mississippi Bar No. 8764

SAMSON & POWERS, PLLC
Attorneys at law
2408 - 14th Street
Post Office Box 1417
Gulfport, Mississippi 39502-1417
Telephone: 228/822-1109
Facsimile: 228/822-2317

CERTIFICATE OF SERVICE

I, ROLAND F. SAMSON, III, of the law firm of Samson & Powers, PLLC, do hereby certify that I have this day electronically filed the foregoing with the Clerk of Court using the ECF system, which sent notification of such filing to the following:

Thomas C. Anderson, Esq.
Balch & Bingham, LLP
Post Office Box 130
Gulfport, MS 39502-0130

THIS, the 29th day of April, 2005.

s/ROLAND F. SAMSON, III
MS BAR NO. 8764

SAMSON & POWERS, PLLC
Attorneys at Law
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